

# Notice of Allowability

Application No.

10/676,187

Examiner

William J. Allen

Applicant(s)

RACINE, SANDRA J.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 12/11/06 and Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 3-23, 26-27, and 29-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**MATTHEW S. GART**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 3600**

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20070222.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Prosecution History Summary***

Claims 1-2, 24-25, and 28 have been canceled.

Claims 23 and 26 have been rejoined.

Claims 3-23, 26-27, and 29-30 are pending and allowed for at least the reasons below.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2006 has been entered.

### ***Rejoinder***

Claims 23 and 26 previously stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Upon entry of the below amendment, claims 23 and 26 have been rejoined.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kent Sieffert on February 22, 2007 (see attached interview summary).

The application has been amended as follows:

#### **In the Title**

The title has been amended to read as follows: "System and Method Utilizing a User Interface having Graphical Indicators with Automatically Adjusted Set Points".

**In the Claims**

Claims 1-2 (Cancelled).

Claim 3 (Currently Amended): The method of claim 6[[2]], wherein receiving input comprises receiving a new position for a set point associated with the graphical indicator adjusted by the user, and selecting one of the items comprises determining which one of the items has an option that most closely matches the set point for the graphical indicator adjusted by the user.

Claim 4 (Currently Amended): The method of claim 6[[2]], wherein selecting one of the items comprises selecting one of the items that has options most similar to the set points for a previously selected item.

Claim 5 (Currently Amended): The method of claim 6[[2]], wherein one of the options comprises a price associated with each of the items and selecting one of the items comprises selecting one of the items to minimize a change to a price set point for a previously selected item.

Claim 6 (Currently Amended): A method of selecting an item for a user comprising:  
presenting a user interface that includes a plurality of graphical input mechanisms adjustable by a user, wherein the graphical input mechanisms represent ranges of options associated with a set of items available from an electronic commerce system, and wherein the graphical input mechanisms include set points having adjustable positions within the represented ranges, the set points representing current values or positions within the represented ranges,  
prioritizing the set points into higher priority set points and lower priority set points;  
receiving input from the user that adjusts one of the graphical input mechanisms within the respective range;

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selecting one of the items from the set based on the graphical indicator adjusted by the user by selecting the item that minimizes a change to the positions of the higher priority set points; and

automatically adjusting at least one of the positions for the set points associated with the graphical input mechanisms;

~~wherein selecting one of the items comprises prioritizing the set points into higher priority set points and lower priority set points and selecting the item from the set of items to minimize a change to the positions of the higher priority set points.~~

Claim 7 (Original): The method of claim 6, further comprising receiving input from the user that defines priorities for the set points.

Claim 8 (Previously Presented): The method of claim 6, wherein the prioritizing the set points comprises prioritizing the set points that have been recently adjusted by the user.

Claim 9 (Currently Amended): The method of claim 6[[1]], further comprising:  
receiving input from the user to limit the range associated with one of the options; and  
configuring one of the graphical input mechanisms to limit the adjustable positions of the corresponding set point in accordance with the defined range.

Claim 10 (Currently Amended): The method of claim 6[[1]], further comprising:  
receiving the search criteria from the user; and  
querying a database server to retrieve the set of items that match the search criteria; and  
determining the ranges of the available options based on the returned set of items.

Claim 11 (Currently Amended): The method of claim 6[[1]], further comprising initiating an e-commerce transaction for the selected item in response to receiving action input from the user.

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Claim 12 (Previously Presented): The method of claim 11, wherein initiating an e-commerce transaction comprises initiation purchase of the item.

Claim 13 (Currently Amended): The method of claim 6[[1]], wherein each of the items comprise one of a service and a product.

Claim 14 (Currently Amended): An electronic commerce system for selecting an item for a user comprising:

a computer-readable storage medium storing a user interface software module for selecting an item from a set of items available from the electronic commerce system; and

a computer executing the user interface software module,

a user interface software module operating on a computer,

wherein the user interface software module presents a user interface that includes a plurality of graphical input mechanisms adjustable by a user,

wherein the graphical input mechanisms represent respective ranges of available options associated with the [[a]] set of items available from an electronic commerce system, and further wherein the graphical input mechanisms include set points having adjustable positions within the represented ranges, the set points representing current values or positions within the represented ranges, and

wherein, in response to an adjustment to one of the graphical input mechanisms by the user, the user interface software module selects one of the items based on an adjustment to one of the graphical input mechanisms by the user priorities assigned to the set points to minimize a change to the positions of higher priority set points, and

wherein the user interface software module automatically adjusts at least one of the other graphical input mechanisms based on the selected one of the items.

Claim 15 (Currently Amended): The system of claim 14, wherein ~~the graphical input mechanisms include set points having adjustable positions within the represented ranges, wherein the set points represent current values or positions within the represented ranges, and the~~

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user interface software module re-computes the positions for the set points associated with the other graphical input mechanisms based on the selected item.

Claim 16 (Currently Amended): The system of claim 1415, wherein the user interface software module selects one of the items by determining which one of the items has an option that most closely matches a new position for the set point of the graphical indicator adjusted by the user.

Claim 17 (Currently Amended): The system of claim 1415, wherein the user interface software module selects one of the items that has options most similar to the set points for a previously selected item when a plurality of the items match the new position for the set point of the graphical indicator adjusted by the user.

Claim 18 (Currently Amended): The system of claim 1415, wherein the user interface software module selects one of the items to minimize a change to a price set point for a previously selected item.

Claim 19 (Currently Amended): The system of claim 1415, wherein the ~~user interface software module selects one of the items based on~~ priorities are user-defined priorities ~~assigned to the set points~~.

Claim 20 (Currently Amended): The system of claim 1415, wherein the priorities are based on ~~user interface software module selects one of the items based on minimizing a change to the positions of any of~~ the set points that have been recently adjusted by the user.

Claim 21 (Previously Presented): The system of claim 14, wherein the user interface software module comprises a client-side user interface software module executing on a client device, and the user interface software module automatically adjusts at least one of the graphical indicators input mechanisms without communicating with a web server.

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Claim 22 (Original): The system of claim 14, wherein each of the items comprise one of a service and a product.

Claim 23 (Currently Amended): A system for reserving airline flights comprising:

a host computer that executes software to transact reservations for airline flights, wherein the airline flights have a set of available options;

a computer-readable storage medium storing user interface software; and

~~a user interface software module executing on~~ a client computer coupled to the host computer via a network to execute the user interface software,

wherein the user interface software ~~module~~ presents a user interface having a plurality of graphical indicators and user-adjustable set points that graphically define positions within ranges of the available options associated with the airline flights,

wherein the set points are prioritized into higher priority set points and lower priority set points,

wherein, in response to an adjustment to one of the set points, the user interface software selects one of the airline flights to minimize a change to the positions of the higher priority set points, and

wherein the user interface software automatically re-computes the positions for the set points of the other graphical indicators of the user interface based on the selected one of the airline flights.

Claims 24-25 (Cancelled).

Claim 26 (Previously Presented): The system of claim 23, wherein the options for the airline flights include a price, a number of transfers, a total flying time, a time of departure, and an arrival time.



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Claim 27 (Previously Presented): A system comprising:

computing means for providing real-time tradeoff analysis of options associated with items offered to a user by an electronic commerce system;

network interface means for generating a user interface for the computing means; and

display means for presenting the user interface to a user;[[,]]

~~wherein the network interface means includes~~ generation means for generating the user interface to include a plurality of graphical input mechanisms adjustable by the user, each of the graphical input mechanisms representing a respective range of available options associated with the items and having a set point specifying a value within the range,

wherein the set point of each graphical input mechanism presents a current value or position within the represented range, and wherein the set points are prioritized into higher priority set points and lower priority set points, and

selection means for selecting one of the items in response to input from a user to minimize a change to the positions of the higher priority set points; and

~~wherein the computing means includes~~ automatic update means to automatically re-compute one or more of the set points and adjust the graphical input mechanisms associated with the re-computed set points in response to input from the user.

Claim 28 (Cancelled).

Claim 29 (Currently Amended): The system of claim 27[[28]], wherein the input from the user manually adjusts one of the set points, and the selection means selects the item having options that most closely satisfy the manually adjusted set point.

Claim 30 (Original): The system of claim 27, wherein each of the items comprise one of a service and a product.

**ALLOWABLE SUBJECT MATTER**

The following is an examiner's statement of reasons for allowance:

**Regarding claim 6**, the prior art made of record neither anticipates nor fairly and reasonably teaches “prioritizing the set points into higher priority set points and lower priority set points, selecting one of the items from the set based on the graphical indicator adjusted by the user by selecting the item that minimizes a change to the positions of the higher priority set points and automatically adjusting at least one of the positions for the set points associated with the graphical input mechanisms”.

Claims 3-5 and 7-13 are dependent either directly or indirectly from claim 6 and are thereby allowable for at least the reasons regarding claim 6.

**Regarding claim 14**, the prior art made of record neither anticipates nor fairly and reasonably teaches “in response to an adjustment to one of the graphical input mechanisms by the user, the user-interface software module selects one of the items based on priorities assigned to the set points to minimize a change to the positions of higher priority set points, and wherein the user interface software module automatically adjusts at least one of the other graphical input mechanisms based on the selected one of the items”.

Claims 15-22 depend either directly or indirectly from claim 14 and are thereby allowable for at least the reasons regarding claim 14.

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**Regarding claim 23**, the prior art made of record neither anticipates nor fairly and reasonably teaches “in response to an adjustment to one of the set points, the user interface software selects one of the airline flights to minimize a change to the positions of the higher priority set points and wherein the user interface software automatically re-computes the positions for the set points of the other graphical indicators of the user interface based on the selected one of the airline flights”.

Claim 26 depends either directly or indirectly from claim 23 and are thereby allowable for at least the reasons regarding claim 23.

**Regarding claim 27**, the prior art made of record neither anticipates nor fairly and reasonably teaches “wherein the set points are prioritized into higher priority set points and lower priority set points, a selection means for selecting one of the items in response to input from a user to minimize a change to the positions of the higher priority set points, and an automatic update means to automatically re-compute one or more of the set points and adjust the graphical input mechanisms associated with the re-computed set points in response to input from the user

Claims 29-30 depends either directly or indirectly from claim 27 and are thereby allowable for at least the reasons regarding claim 27.

The most poignant prior art made of record is US 6012044 to Maggioncalda et al, which teaches a user interface for advising a user as to how various changes in one or more input decisions such as risk tolerance, savings level, or the like affect the probability achieving financial goals of the user. Of important note in Maggioncalda is the use of graphical inputs in the form of sliders having set points for adjustment that, when adjusted, facilitates the automatic adjustment of a set of graphical outputs displayed to the user. In other words, Maggioncalda facilitates the automated regeneration of the graphical outputs dependent on the changes made to the graphical inputs. In contrast, the instant application requires that both the customer adjusted and automatically adjusted graphical indicators be input mechanisms. Furthermore, though a user may indicate priority by adjusting only one input, again, Maggioncalda does not teach or suggest selecting an item from an available set of items as to minimize the change in position to higher priority set points and automatically adjusting the positions of the set points (which are part of the graphical input mechanisms) accordingly.

*US Patents/PG Pubs*

- **US 6012044 to Maggioncalda et al.** teaches a user interface for advising a user as to how various changes in one or more input decisions such as risk tolerance, savings level, or the like affect the probability achieving financial goals of the user. Maggioncalda, however, fails to anticipate or render obvious the above mentioned limitations with regards to claims 1, 14, 23, and 27.
- **US 20040158497 to Brand** teaches a method and system recommending products and services to consumers based on the ratings of products and services by users. Though Brand makes use of slider bar inputs, Brand fails to anticipate or render obvious the above mentioned limitations with regards to claims 1, 14, 23, and 27.
- **US 5819043 to Baugher et al.** teaches a system, method, and program product for adjusting resource reservation for multimedia traffic using input mechanisms including slider graphical inputs. Baugher, however, fails to anticipate or render obvious the above mentioned limitations with regards to claims 1, 14, 23, and 27.
- **US 5956691 to Powers** teaches a dynamic user friendly policy illustration system for graphically displaying future values of a model life insurance policy. Similar to Maggioncalda, Powers provides a systematic regeneration of graphical outputs based on changing graphical inputs. Powers, however, fails to anticipate or render obvious the above mentioned limitations with regards to claims 1, 14, 23, and 27.

*Foreign Patents*

- **GB 2366403 to Carlton et al.** teaches a web-based reservation system wherein a user enters requirements such as date ranges for airline tickets. Carlton, however, fails to anticipate or render obvious the above mentioned limitations with regards to claims 1, 14, 23, and 27.

*Non-Patent Literature*

- **PTO 892 reference U** teaches multiple web based financial calculators such as MoneyWeb, FIND, MoneyAdvisor, and the like. PTO 892 U, however, fails to anticipate or render obvious the above mentioned limitations with regards to claims 1, 14, 23, and 27.
- **PTO 892 reference V** teaches an online mortgage calculator with slide bar inputs and graphical outputs. PTO 892 V, however, fails to anticipate or render obvious the above mentioned limitations with regards to claims 1, 14, 23, and 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen  
Patent Examiner  
February 23, 2007

  
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